

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
NORTHERN DIVISION
Case No. 2:21-cv-00050-M

KHRISTA SIMMONS,

Plaintiff,

v.


NORTHAMPTON COUNTY BOARD
OF EDUCATION; and
PAMELA CHAMBLEE,
Superintendent of Northampton County
Schools, in her individual capacity;

Defendants.

ORDER

This matter comes before the court on Defendant Pamela Chamblee's Motion to Dismiss [DE 13] under Federal Rule of Civil Procedure 12(b)(6) and Plaintiff's Notice of Dismissal Without Prejudice of All Claims against Dr. Pamela Chamblee [DE 17] under Federal Rule of Civil Procedure 41(a)(1)(A)(i). Under Rule 41(a)(1)(A)(i), an action may be voluntarily dismissed by a plaintiff without order of the court at any time before service by the adverse party of an answer or a motion for summary judgment. Although Defendant Chamblee moved to dismiss under Rule 12(b)(6) before Plaintiff's notice of voluntary dismissal, she had not filed an answer. Nor is there any basis for converting Defendant Chamblee's motion to dismiss into a motion for summary judgment. Plaintiff's self-executing notice dismissed her claims against Defendant Chamblee without prejudice, so Defendant Chamblee's motion to dismiss [DE 13] is DENIED AS MOOT. *See Novosel v. White*, No. 1:19CV365, 2019 WL 6682912, at *2-3 (M.D.N.C. Dec. 6, 2019).

SO ORDERED this 21st day of April, 2022.


RICHARD E. MYERS II
CHIEF UNITED STATES DISTRICT JUDGE